



## TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105  
East Hampton, New York 11937-2684

Planning Department  
JoAnne Pahlwul  
Director

Telephone (631) 324-2178  
Fax (631) 324-1476

### SITE PLAN/SPECIAL PERMIT EVALUATION

44 Three Mile Harbor Road

SCTM#300-161-4-9

App#: A0520200021

Prepared by: Marco Wu *MW*  
Planner

Date: September 1, 2020

#### 1. APPLICATION INFORMATION

##### A. INFORMATION RECEIVED:

- Ten (10) copies of the application;
- Ten (10) copies of survey prepared by George Walbridge Surveyors, P.C. last revised on August 10, 2020;
- Ten (10) sets of Conceptual rendering prepared by Pamela Glazer (01: Southwest perspective from street entry into parking lot); (02: Aerial view looking at proposed west elevation); (03: Perspective view from south elevation looking through pedestrian walkway);
- Ten (10) copies of an agent letter;
- Ten (10) sets of plans prepared by Pamela J. Glazer dated August 10, 2020 (A-00.01 Title Sheet); (A-00.02 Proposed Site Plan); (A-00.03 Proposed Basement Plan); (A-00.04 Proposed First Floor Plan); (A-00.05 Proposed Second Floor Plan); (A-00.06 Proposed South & West Elevations)

**B. DATE SUBMITTED:** August 17, 2020

**C. OWNER:** Cilvan Realty LLC

**D. APPLICANT/AGENT:** Pamela Glazer

**E. SCHOOL DISTRICT:** East Hampton

**F. STREET NAME:** 44 Three Mile Harbor Road

**G. TYPE OF STREET:** County (CR40)

**H. ZONING DISTRICT:** Neighborhood Business

**I. SEQRA - TYPE OF ACTION:** Unlisted

**J. INVOLVED AGENCIES:** SCDHS, Suffolk County Planning Commission

**K. OTHER REVIEW:** East Hampton Fire Department

## 2. DESCRIPTION OF PROJECT

- A. **PROPOSED USE(S) AS CLASSIFIED BY TOWN CODE:** Retail, office, 4 apartments
- B. **EXISTING USE(S) AS CLASSIFIED BY TOWN CODE:** Restaurant & Bar
- C. **ARE THE EXISTING & PROPOSED USES PERMITTED OR SPECIAL PERMITTED BY THE TOWN CODE?** Existing are permitted; Proposed permitted and special permit
- D. **AREA OF PARCEL (SQUARE FEET):** 34,962 sq. ft.
- E. **MOST RECENT CERTIFICATE OF OCCUPANCY:** 2/18/04 - C.O.20926 CILVAN REALTY, LLC ONE STORY, FRAME & STUCCO "GROUP A 2" RESTAURANT & BAR, ERECTED BEFORE THE ADOPT. OF ZONING; WITH ALTERATION TO INTERIOR & EXTERIOR OF EXISTING BLDG; WITH FIREPLACE; CANOPIES, WALL, FENCING & FLAGS.
- F. **DESCRIPTION OF EXISTING STRUCTURES:** One story, 5,903 sq. ft. frame building with restaurant and bar
- G. **DESCRIPTION OF PROPOSED STRUCTURES:** 21,613 sq. ft.
- H. **EXISTING & PROPOSED LOT COVERAGE:** Existing: 5,903 sq. ft (17% of Lot Area); Proposed: 11,026 sq. ft. (32% of Lot Area)
- I. **EXISTING & PROPOSED TOTAL COVERAGE:** Existing: 30,135 sq. ft. (86% of Lot Area); Proposed: 32,574 (93% of Lot Area)
- J. **HEIGHT OF PROPOSED STRUCTURES:** 32'-6"
- K. **NUMBER OF STORIES OF PROPOSED STRUCTURES:** Two (2)
- L. **NUMBER OF EXISTING PARKING SPACES:** (54)
- M. **NUMBER OF PARKING SPACES REQUIRED:** (86)
- N. **TOTAL PARKING SPACES PROVIDED:** (59)
- O. **VARIANCES REQUIRED:** Yes
- P. **DOES EXISTING & PROPOSED LIGHTING COMPLY WITH BOARD POLICY?** Existing to be eliminated; No lighting plans have been submitted
- Q. **DISTANCE TO PUBLIC WATER:** Water main in street
- R. **SOURCE OF WATER SUPPLY:** Public Water
- S. **TYPE OF SANITARY SYSTEM:** None indicated
- T. **ARE EXISTING & PROPOSED SANITARY SYSTEMS DEPICTED:** N/A
- U. **DO SANITARY CALCULATIONS COMPLY WITH SCDHS STANDARDS?** N/A
- V. **NUMBER OF ACCESS POINTS:** Two (2)
- W. **IS SIGHT DISTANCE ACCEPTABLE?** TBD
- X. **IS THE PROPOSAL ADA COMPLIANT?** See issues for discussion

## 3. SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 255 (LIST ITEMS AND SECTION FOR THOSE ITEMS NOT SUBMITTED)

4. **SITE ANALYSIS:**
- A. **SOIL TYPE:** CpA, CpC, PsB
  - B. **FLOOD HAZARD ZONE:** Zone X
  - C. **DESCRIPTION OF VEGETATION:** Cleared
  - D. **RANGE OF ELEVATIONS:** Approximately 20-23'
  - E. **NATURE OF SLOPES:** Relatively Flat
  - F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** None determined
  - G. **SETBACK FROM ANY WETLAND OR WATER BODY:** N/A
  - H. **ARE THERE TRAILS ON SITE?** N/A
  - I. **DEPTH TO WATER TABLE:** Approximately 15-18'
  - J. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** None have been identified; site is disturbed
  - K. **AGRICULTURAL DATA STATEMENT REQUIRED:** N/A
  - L. **IS THE SITE CONTAINED WITHIN:**

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	No
PEP CLPS list	No
Town Community Preservation Fund List	No
Recommended Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	No

#### **Other Background Information:**

An application has been made to demolish the existing structures and construct a new two story mixed use building with a total square footage of 21,613 sq. ft., which includes a 11,026 sq. ft. first floor with a retail store and loading dock, an 11,022 sq. ft. second floor containing 5,345 sq. ft. of office space and 3,834 sq. ft. of work force housing. A staircase and elevator of 1,323 sq. ft. have been included in the floor plans. Also proposed is 481 sq. ft. of basement space with an 8,782 sq. ft. underground parking area comprised of 23 parking spaces, and 36 at grade parking spaces. Parking will be serviced by two two-way access points along Three Mile Harbor Road. The parcel is zoned Neighborhood Business zoning district, cleared of naturally occurring vegetation, and has mature deciduous trees and shrubs along the sides and rear of the property. Office and retail uses are permitted uses in a B zoning district. The apartments are a special permit use and will need to meet the special permit regulations.

*Application to build a mixed use building (retail, office, affordable apartments) with new at grade and underground parking, demolish the existing structures.*





*Existing building*



*Existing access points and frontage along CR40*



*Existing lot*

### **Issues for Discussion:**

#### **Coverage**

The maximum permitted building coverage is 40% of 13,985 sq. ft. and the proposed 11,026 sq. ft. building complies with zoning. The existing total coverage is 30,135 sq. ft. where the maximum permitted is 24,473 sq. ft. The new application indicates that the proposed coverage is 32,542 sq. ft. which is expanding the existing, nonconforming coverage.

*Total coverage is expanding beyond the permitted limits of the zoning district and will necessitate a variance from the Zoning Board of Appeals.*

#### **Setbacks**

The building envelope depicted on the site plan does not take into account the requirement that the side and rear yard setbacks must be doubled where the site borders residence districts as per §255-11-10 Business and Commercial-Industrial Districts - Table of Dimensional Regulations (Note 7 - Except for yards bordering a residence district, in which case the figure shown shall be doubled.) Therefore, the setbacks for principal and accessory structures are doubled to 30' on the southerly side and to 50' on the easterly or rear side.

A small portion of the existing building is preexisting, nonconforming with regard to setbacks on the northern and eastern side. The proposed building is oriented to be parallel



to the western property line (Three Mile Harbor Road) and a significant portion of the building falls within the 50' rear yard setback requirement and would require a variance from the Zoning Board of Appeals. Similarly a significant portion of the building will fall within the 30' side yard setback requirement along the northern side of the property and would also require a variance.

The parking proposed on the southerly side is proposed on the property line and does not meet the 30' setback requirement based on the doubled setbacks as it adjoins a residential district. The parking proposed along Three Mile Harbor Road is also located along the property line and does not meet the 25' front yard setback requirement. The Board would have the ability to relax these setbacks pursuant to §255-6-63 (*See attached*) if it found that this was in the interest of good planning. The standard for such are also attached. It is noted that the Town Code encourages and it has been a Planning Board policy not to place parking directly along the road in front of a building.

*Existing structure is preexisting and nonconforming to setbacks. Proposed structure will be within setbacks on all sides.*



*Eastern edge (rear of proposed) of 44 Three Mile Harbor*



*Southern edge (proposed parking on property line) of 44 Three Mile Harbor*

### **Underground Parking**

Underground garages for commercial structures are not consistent with the surrounding character of the area or with other commercial development in the Town. Presently, the size of the building is tempered by maximum building and total coverage restrictions, which include parking areas. Providing parking below grade for commercial projects would allow for greater development. Underground garages are not consistent with Goal One of the Town's 2005 Comprehensive Plan that states that East Hampton's rural and semi-rural character should be maintained and restored where necessary.

An underground garage is also inconsistent with site plan standards. §255-6-60 A of the Town Code requires that extensive grading be avoided in site plan development. Constructing the ramp will require the removal of substantial soil. It appears that the bottom of the ramp is at an elevation of -10' where depth to groundwater in this area will be a potential issue.

### **Parking Calculations**

Parking calculations provided on the plan indicate that 86 spaces are required, however it is noted that 87 spaces are required pursuant to §255-2-45 of the Town Code, 49 for the retail use, 30 for the office use, and 8 for the housing units. The plans show that only 59 of the 87 required spaces are being provided, 36 at grade and 23 below grade in an underground parking garage. This would result in the requirement for a significant variance from the Zoning Board of Appeals and a shortage in parking.



The Planning Department has noted that certain parts of the aisles for the vehicle parking at grade, and underground are fairly narrow and could make turning difficult for those maneuvering within the lots. Upon review, the certain spaces at grade and in the underground parking lot do not meet the proper design requirements pursuant to §255-11-43 Subsection C (*See attached*) Under the design requirements, all aisles within parking areas shall have a minimum width of 24 feet when the parking spaces are an a ninety-degree angle with the aisle. Other widths are recommended if parking spaces are proposed at different angles as mentioned further in the code. Given the aforementioned, it appears at least 4 of the proposed spaces at grade level, and at least 12 spaces within the underground parking lot do not meet the 24' width requirement for the parking aisle. This would result in a lesser number of spaces provided in addition to the proposal's current offering that does not meet the minimum parking requirement.

*The proposal is short of their parking requirements, and will need to widen the aisle for vehicles to meet Town Code Design Standards.*

### **Access Points and Navigation**

The site plan has proposed two two-way access points (Enter/Exit) along the property line facing Three Mile Harbor Road. The northernmost access point will be located in close proximity under the minimum 75' as determined by §255-5-40 G. (*See attached*) to Oakview Highway and Jackson Street and will likely cause conflicts with traffic and safety with issues with turning movements. The nearby roads undergo heavy seasonal and commuter traffic as multiple vehicles of all sizes travel from the Village and up-island to the rest of East Hampton. The Planning Board may wish to consider asking the applicant to consider one access point, preferably on the Southern side to maximize the distance between the drivers and traffic intersections.

*Access points will likely cause traffic due to their proximity to the Oakview Hwy and Jackson St. intersections. Consideration could be given to one access point located farthest away.*





*Proposed access is roughly before utility pole. Oakview Hwy (left) Jackson St. (right)*

### **Landscaping**

Upon review, the areas reserved for landscaping have minimal and limited space for plantings and screening. The front of the property proposes areas for a bioswale and native vegetation that is not specified. In addition, it is not within the property lines and is instead proposed on County Road 40 and will require approval from the Suffolk County Department of Public Works. An artist's rendition also includes plantings on the roof and wooden planters near the front of the building. Other areas include the rear and north of the site facing residences and a neighboring business, and an area around the proposed dumpster. The applicant should specify the type of landscaping proposed and provide a narrative on how they will maintain their landscaping given there is a small concrete wall that separates them and that the area around the dumpster is elevated and appears isolated.

A comprehensive site landscaping plan should be submitted. This plan must include the following elements:

- The location of existing and proposed vegetation including landscaping and areas of naturally-occurring vegetation (i.e un-cleared). The limits of existing clearing should be clearly illustrated.
- The location of screening, both vegetative and structural, such as fencing.
- A key which includes the following items:
  - Symbol or notation for each plant species

- Common and scientific (Latin) name for each plant species
- Quantity of plants
- Height of plants
- Spacing of plants

*Type of plantings is unspecified. Most landscaping is on CR40 requiring County approval. There is little space along the sides for buffering and maintenance may be difficult.*

### **Dumpster**

It has been the Planning Board's policy to screen dumpsters with 6 ft. high screening or landscaping. The proposed dumpster area appears to be located below natural grade to a certain degree. The side facing the residences does not appear to have any proposed screening and will be located roughly 25 ft. away. The applicant should address concerns regarding their proposed dumpster area.

### **Lighting**

No information pertaining to exterior lighting has been submitted. The proposed survey appears to have 10 light posts of an unknown height and brightness spread across the parking lot and well over 10 light fixtures attached to the building walls and in trellis overhangs. A comprehensive site lighting plan which meets all of the provisions of the Town Code as well as the Planning Board's Guidelines for Exterior Lighting should be submitted.

A comprehensive site lighting plan must include the following elements:

- Manufacturer's specification sheets for all proposed fixtures
- A photometric plot plan illustrating light incidence in foot-candles (fc) throughout the site. This plan shall include:
  - Location of all exterior light fixtures
  - Iso-foot-candle plots for the proposed fixtures if there are a limited number of fixtures. For many fixtures (more than four) or areas of overlap it may be necessary to include a point by point illuminance calculation as noted below
  - Point by point illuminance with foot-candle calculations in grid form at 10 foot intervals
  - A summary indicating maximum, minimum and average foot-candle levels throughout the site
  - Property line illuminance calculations in foot-candles
  - A key which contains the following items:
    - Symbol or notation for each fixture type
    - Description (brand and model name) of fixtures
    - Quantity of fixtures
    - Fixture type (e.g. incandescent, LED, high pressure sodium, etc.)
    - Wattage of fixtures
    - Initial lumens of fixtures
    - Mounting height of fixtures

- Control methods (e.g. motion sensor, timer, etc.)
- Color temperature (in degrees Kelvin)
- Light loss factor of fixtures

All exterior light fixtures must be fully shielded as the same is defined in section 255-1-20 of the Town Code (“light fixture, fully shielded”).

### **Suffolk County Department of Public Works**

Landscaping beyond the property line, and curbs cuts for the proposed access ways will require review, and approval from the Suffolk County Department of Public Works. An application should be submitted to the Department of Public Works with their improvements and preliminary comments provided to the Board.

### **Sanitary**

No existing or proposed sanitary plans or information has been submitted. A complete sanitary plan illustrating the location and design of the proposed sanitary system as well as complete calculations must be provided. As per §210-3-2 (*See attached*) an I/A low-nitrogen system would be required for the project.

It is noted that the Title Sheet (Sheet 00.01) provides a breakdown of the proposed uses. Based upon these calculations and the requirements of the Suffolk County Sanitary Code, the sum of the proposed uses would total a generated sanitary flow of 1,482 Gallons per day (GPD). The total allowable generated sanitary flow for this 0.8 acre parcel in Groundwater Management Zone V is 240 GPD and the site as a vacant parcel may be grandfathered for a flow of 300 GPD. It appears that the proposed project will require either a sewage treatment plant or a substantial variance from the Suffolk County Department of Health Services. The applicants are encouraged to submit an application to this agency as soon as possible if they have not already done so. In addition, the applicants should provide comments to the Board from the Suffolk County Department of Health Services regarding their maximum allowable sanitary flow.

### **Drainage and Grading**

No additional drainage or runoff mitigation plans have been submitted at the time of review. Notable areas of potential flooding include the underground parking, the sloped paved driveway, and the parking spaces in the front. The test hole has indicated that ground water will be encountered 11.9 ft. from the surface. Spot elevations in the driveway have reached down as far as 10 ft. It is estimated at least 2 ft. will be needed for drainage structures putting the project in and close to ground water in multiple areas. The applicants should provide drainage structures in their project that will mitigate impacts from flooding and on the ground water.

*No drainage plans and the project' close proximity to ground water will have an environmental impact.*



### **Pyramid Variance**

The proposed project will require a pyramid variance as a portion of the Northern side and Eastern side (Rear portion) will be within the pyramid line. It should be noted that submitted elevations in which the pyramid lines were drawn from are using undersized setbacks.

### **Site Plan Review**

A certain list of plans that have been omitted in the original application submission should be submitted as part of Site Plan Review.

- Survey of existing buildings, structures and uses with lot area and floor area for each floor.
- Survey of existing sanitary and drainage plans
- Plan that displays all directional elevations (East & South, West & North)
- Plan that demonstrates the proposed project complies with the Pyramid Law

The Planning Board may wish to require that the applicant include the depiction of nearby residences under §255-6-50 (J) given the multiple close neighboring houses.

#### **§255-6-50 Necessary elements of site plans**

- **J.** Existing topography of the site and immediately adjacent property, as revealed by contours or key elevations as may be required by the Planning Board, and any proposed regrading of the site. The datum shall be in accordance with United States Coast and Geodetic Survey.

### **Office of Fire Prevention**

The Planning Department has not yet received comments from the Chief Fire Marshall regarding fire safety or ADA compatibility at the time of review.

### **ARB**

The proposed project will require the approval of the ARB and an application should be submitted to this agency as soon as possible if the applicants have not already done so. The building will have multiple overhangs, wooden benches and tables, glass windows, a roof top deck, solar panels, and brightly colored fiber cement boards. The parking lot will have two at grade parking spaces serviced by an EV charging port. These additions will have a significant impact on the community character of the surrounding area.

### **SEQRA**

The project is an Unlisted Action pursuant to SEQRA and Chapter 128 of the Town Code. It is recommended that the Planning Board request lead agency status for the project.

### **Title of Plans**

All plans submitted for this application, including but not limited to site plans, drainage plans, and landscaping and lighting plans, must be labeled with the title of the project. This title must be consistent with the title that the application was filed under unless an

official request is made to modify the application name. All correspondence submitted should also be consistent with this title. This consistency is essential for record keeping purposes and any plans not so labeled will be required to be revised accordingly.

**Conclusion**

In conclusion, based on the size and scope of the project and the irregular shape and size of the parcel, the project would require substantial variances. Variances to the maximum total coverage permitted, minimum front, rear, and side yard setbacks, the Pyramid Law, and the minimum number of parking spaces would be required. With a proposed coverage of 93% in a Neighborhood Business zoning district, underground parking, and significant grading on the site, the project is not consistent with site plan standards, zoning, or the goals of the Town’s Comprehensive Plan. Consideration should be given to revising the project to be more in keeping with these principles.

*Variances Required*

- Coverage Variance
- Setback Variances for Front, Rear, and Sides
- Pyramid Law Variance
- Parking Variance

**Planning Board Consensus**

Issue for discussion in the form of a question

Should the applicant provide additional detailed plans addressing, lighting, landscaping, elevations, drainage, and parking?

Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Should the applicant lower their proposed total coverage?

Additional comments: \_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Should the Planning Board request lead agency status?

Additional comments: \_\_\_\_\_

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**Additional Board Comments:**

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**§ 255-6-63. Accessory buildings and structures in business and commercial-industrial use districts.** [Added 1-15-1996 by L.L. No. 19-1996]

Pursuant to Table IV of § 255-11-10 hereof, the Planning Board shall have power during site plan review to reduce the yard setbacks which would otherwise apply to accessory buildings and structures in business or commercial-industrial use districts. In making a determination to approve such reduced yard setbacks, the Planning Board shall find that doing so serves the interests of good planning. The Board shall consider in this regard:

- A. Size and shape of lot: the size and configuration of the lot on which the structures are proposed.
- B. Residential property: the proximity of the structures to residential property and the effect which the proposed structures might have on an existing or future residential use of that land.
- C. Coordinated development: the potential for coordinating development with adjacent property and the extent to which lessening the accessory structure setbacks might aid such coordination.
- D. Buffering and screening: the degree to which buffering or screening is necessary or can be provided for the structures.

**§ 255-11-43 Design requirements of off-street accessory parking and truck loading areas.**

- A. Site plan approval **required**. For all properties and uses subject to site plan review pursuant to Article VI, new accessory off-street parking and truck loading areas shall be located and established only as the same are indicated on a site plan duly approved by the Planning Board.
- B. Physical improvements. The physical improvements of off-street parking and truck loading areas shall include:
  - (1) Curbs, paving, sidewalks and drainage facilities complying with the standards established in this Code or the regulations of the Planning Board.
  - (2) Lighting of public parking areas adequate to assure general safety and convenience, while at the same time of such design as to avoid having light sources be visible from the street or across property lines.
  - (3) Screening appropriate to the protection of adjacent properties from automotive noise, fumes and visual impact.
- C. **Aisles**. Unless a different configuration shall be approved by the Planning Board during site plan review for reasons of sound planning and proper site layout, all aisles within parking areas shall have a minimum width of 24 feet when the parking spaces are at a ninety-degree angle with the aisle, 18 feet when the parking spaces are at a sixty-degree angle in a one-way direction with the aisle and 12 feet when the parking spaces are at a forty-five degree angle in a on-way direction with the aisle.  
[Amended 3-15-1991 by L.L. No. 4-1991]
- D. Circulation. Aisles and turning areas shall provide good internal circulation with adequate radii to assure ease of mobility, ample clearance and convenient access and egress.
- E. Gradients. Center-line gradients of aisles shall not exceed 8%.
- F. Size of parking spaces. Parking spaces shall be marked off with a minimum width of 10 feet and a minimum length of 18 feet, or a minimum width of nine feet and a minimum length of 20 feet. In the case of parking spaces for trucks or special equipment, parking

spaces shall be of a minimum size to be determined by the Planning Board based upon the nature of the parked vehicles.

- G. Size of truck loading spaces. Truck loading spaces shall have a minimum width of 12 feet, a minimum length of 40 feet and a minimum clear height of 14 feet. The related aisles or driveways shall have the same minimum width and clear height

**§ 255-5-40. General standards.**

No special permit shall be granted unless the issuing board shall specifically find and determine that:

G. Circulation. Access facilities are adequate for the estimated traffic generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and, further, that vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of the intersection of street lines at a street intersection, except under unusual circumstances.

**§ 210-3-2. Other requirements.** [Amended 8-8-2017 by L.L. No. 28-2017]

- A. All construction of sanitary systems shall conform to Standards for Sewage and Waste Disposal Systems, as then established by the Suffolk County Department of Health Services, to all applicable wetland setbacks of the New York State Department of Environmental Conservation and of the Town of East Hampton and all other applicable local, county and state regulations concerning the siting of such structures and systems. No building permit for any such work shall issue until all applicable provisions of the Town Code, including provisions of Chapter 255, Zoning, have been complied with.
- B. In addition to the conditions provided for in Subsection A, for all the following circumstances, the sanitary systems installed must be, or the current sanitary system must be upgraded to, a low-nitrogen sanitary system as defined in § 210-1-4:
- 1) All construction of new buildings and structures where a sanitary system did not previously exist;
  - 2) Any voluntary replacement of an existing sanitary system;
  - 3) All substantial expansion of existing structures as defined in § 255-1-20;
  - 4) All large-capacity cesspools mandated to upgrade pursuant to EPA regulations;
  - 5) All nonresidential properties that require site plan review pursuant to § 255-6-30B(2), (4) or (5).
- C. The Planning Board may issue an extension for compliance with the provisions of this section upon a showing of good cause. Good cause must be based upon a showing that compliance is impossible due to physical limitations and lack of an approved low-nitrogen sanitary system to address and accommodate such limitations. It is not good cause if a low-nitrogen sanitary system exists that would accommodate such limitations, but does not accommodate the site plan applicant's proposal to increase occupancy or use. Such extension shall not be granted until the Planning Board has received proof that the owner/applicant has recorded the following covenants and restrictions in the office of the Suffolk County Clerk. The covenants and restrictions must provide that:
- 1) The owner/applicant acknowledges that under the provisions of this section he/she is required to upgrade the sanitary system on the subject property as soon as possible; and

- 2) The owner/applicant seeks an extension to comply with the provisions of this section; and
- 3) Upon approval of a low-nitrogen sanitary system that can accommodate the physical limitations of the property, or upon availability of a community sanitary system that the subject property can hook up to, the owner/applicant must install the low-nitrogen sanitary system or hook up to the community sanitary system within one year of the availability of such option; and (4) Failure to comply with these covenants and restrictions may subject the owner/applicant to the penalties contained in the East Hampton Town Code, including, but not limited to, the revocation of the extension for compliance; and
- 4) This extension and these covenants and restriction run with the land, and to that end, all references herein to owner/ applicant shall be deemed to also refer to owner/applicant's successors in interest.

### **Goals of the Town's 2005 Comprehensive Plan**

Goal One: Maintain, and restore where necessary, East Hampton's rural and semi-rural character and the unique qualities of each of East Hampton's historic communities.

Goal Two: Take forceful measures to protect and restore the environment, particularly groundwater. Reduce impacts of human habitation on ground water, surface water, wetlands, dunes, biodiversity, ecosystems, scenic resources, air quality, the night sky, noise and energy consumption.

Goal Three: Reduce the total build-out of the Town to protect the natural and cultural features identified in goals one and two.

Goal Four: Provide housing opportunities to help meet the needs of current year-round residents, their family members and senior citizens, seasonal employees, public employees, emergency services volunteers, and other local workers.

Goal Five: Encourage local businesses to serve the needs of the year-round population and reduce the environmental impacts of commercial and industrial uses.

Goal Six: Encourage and retain traditional local resource based fishing and agriculture industries that practice environmentally sensitive methods of operation.

Goal Seven: Protect historic buildings, hamlets, neighborhoods, landscapes and scenic vistas from incompatible development. Prevent further loss of the Town's cultural and archaeological resources.

Goal Eight: Coordinate with regional agencies, organizations and systems to reduce reliance on the automobile. Encourage investment in alternative transportation - including sidewalks, bikeways, rail, buses, shuttles, and "shared" cars - while maintaining the existing scale and character of community.

Goal Nine: Develop road, wastewater treatment, water, and power infrastructure, consistent with goals one through three, needed to reduce public health, safety and environmental risks.



Goal Ten: Provide adequate facilities, land and programs for schools, town offices and other functions, day care, senior care, families, and other educational, cultural, recreational and health care needs.

Goal Eleven: Commit to implementing the Comprehensive Plan.



1" = 112.97 feet



# THE TOWN OF EAST HAMPTON 44 THREE MILE HARBOR

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Prepared by  
THE TOWN OF EAST HAMPTON  
Suffolk County, New York  
Dept. of Information Technology

Date Prepared: September 1, 2020

Basemaps: 2018 Pictometry Digital Ortho Photography  
Suffolk County Real Property Tax Service  
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